

APR 23 2012

## UNITED STATES DISTRICT COURT

CLERK, US DISTRICT COURT  
NEWPORT NEWS, VA

EASTERN

District of  
Norfolk Division

VIRGINIA

United States of America

v.

ORDER SETTING CONDITIONS  
OF RELEASEEric H. Menden  
Defendant

Case 2:12 CR 000055

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified) United States District Court  
Place

600 Granby Street, Norfolk, Virginia on July 23, 2012 at 11:30 a.m.  
Date and Time

## Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- ( ☒ ) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- ( ☒ ) (5) The defendant recognizes himself indebted to the United States of America in the event of a failure to appear as directed or to surrender as directed for service of any sentence imposed.

# ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community, IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

( ) (7) The defendant is placed in the custody of:

Person or organization \_\_\_\_\_

Address (only if above is an organization) \_\_\_\_\_

City and state \_\_\_\_\_

Tel. No. (only if above is an organization) \_\_\_\_\_

who agrees (a) to supervise the defendant in accordance with all of the conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the court immediately if the defendant violates any condition of release or disappears.

Signed: \_\_\_\_\_

Custodian or Proxy

Date

( ✓ ) (8) The defendant must:

( ✓ ) (a) report to the Office of Probation and remain under supervision \_\_\_\_\_

telephone number \_\_\_\_\_, no later than \_\_\_\_\_.

( ) (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: \_\_\_\_\_

( ) (c) post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum \_\_\_\_\_

( ) (d) \_\_\_\_\_

( ) (e) Deft. is not to engage in any employment that allows access to another's personal or financial information.

( ✓ ) (f) Deft. is to maintain his residence.

( ✓ ) (g) surrender any passport to: the Office of Probation.

( ✓ ) (h) obtain no passport.

( ✓ ) (i) abide by the following restrictions on personal association, place of abode, or travel: Travel is restricted to the Commonwealth of Virginia unless prior permission is received from the U.S. Probation Office.

( ) (j) avoid all contact, directly or indirectly, with co-conspirators but not limited to: \_\_\_\_\_

( ) (k) submit to mental health assessment and/or treatment as directed by P.O. \_\_\_\_\_

( ) (l) return to custody each (week) day at \_\_\_\_\_ o'clock after being released each (week) day at \_\_\_\_\_ o'clock for employment, schooling, or the following purpose(s): \_\_\_\_\_

( ✓ ) (m) Deft. is to notify any entities that he has any loans of financial obligations to of the charged offense.

( ✓ ) (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.

( ✓ ) (o) refrain from ( ) any ( ✓ ) excessive use of alcohol.

( ✓ ) (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

( ✓ ) (q) submit to any testing required by the probation office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of release.

( ✓ ) (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if the probation office or supervising officer considers it advisable.

( ) (s) participate in one of the following location monitoring program components and abide by its requirements as the probation officer or supervising officer officer instructs.

( ) (i) **Curfew.** You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ) as directed by the pretrial services office or supervising officer; or

( ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the probation office or supervising officer; or

( ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.

( ) (t) submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the probation officer or supervising officer related to the proper operation of the technology.

( ) The defendant must pay all or part of the cost of the program based upon your ability to pay as the probation office or supervising officer determines.

( ) (i) Location monitoring technology as directed by the probation office or supervising officer;

( ) (ii) Radio Frequency (RF) monitoring;

( ) (iii) Passive Global Positioning Satellite (GPS) monitoring;

( ) (iv) Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS);

( ) (v) Voice Recognition monitoring.

( ✓ ) (u) report as soon as possible, to the probation office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

( ✓ ) (v) Deft. is directed to provide any requested financial information as directed by the Probation Office.

( ✓ ) (w) Deft. is prohibited from opening any new lines of credit without permission of the Probation Office.



**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature

Chesapeake VA

City and State

**Directions to the United States Marshal**

- ( ☒ ) The defendant is ORDERED released after processing.
- ( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: April 20, 2012



Judicial Officer's Signature

Tommy E. Miller, United States Magistrate Judge

Printed name and title